

1 BARRY J. PORTMAN
Federal Public Defender
2 JEROME E. MATTHEWS
Assistant Federal Public Defender
3 555 - 12th Street
Suite 650
4 Oakland, CA 94607
Telephone: (510) 637-3500
5
Counsel for Defendant ARTURO VILLANUEVA CORDOVA
6

7
8
9 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) No. CR-08 00133 DLJ
12)
Plaintiff,) **SENTENCING MEMORANDUM**
13)
vs.) **Sentencing Date: August 1, 2008**
14) **Time: 10:00 a.m.**
ARTURO VILLANUEVA CORDOVA,)
15)
Defendant.)
16)
_____)

17 Arturo Villanueva Cordova will stand before the Court on August 1, 2008, for sentencing
18 on his plea to a single count of illegal re-entry by an alien following deportation. The parties
19 have submitted a Rule 11(c)(1)(C) plea agreement that recommends a sentence at the low end of
20 the applicable sentencing range. Mr. Villanueva Cordova agrees with the probation officer's
21 criminal history calculations¹ and asks that the Court sentence him to ten months.

22 Mr. Villanueva Cordova first appeared in federal court on March 10, 2008, and has
23

24 _____
25 ¹ The probation officer incorrectly assigns three criminal history points to Mr.
26 Villanueva Cordova's sole conviction for Cal. Penal Code § 246. He was sentenced to 362 days
in the county jail, and under USSG §4A1.1(b) that sentence results in two criminal history points.
Mr. Villanueva agrees, however, that his Criminal History Category is III.

1 remained in custody since that time. Since the day of his initial appearance, Mr. Villanueva
2 Cordova has been prepared to accept the consequences of his actions. He has chosen not to
3 contest the legality of his prior deportation or otherwise interpose a defense to the present charge.
4 He has suffered but one criminal conviction. There is nothing egregious or unusual about Mr.
5 Villanueva Cordova or this case that might merit a sentence above the recommended sentence,
6 which is within the applicable guidelines range.

7 For the reasons Stated, Arturo Villanueva Cordova respectfully requests that the Court
8 sentence him to ten months.

9
10 Dated: July 30, 2008

11 Respectfully submitted,

12 BARRY J. PORTMAN
13 Federal Public Defender

14 /S/

15 JEROME E. MATTHEWS
16 Assistant Federal Public Defender
17
18
19
20
21
22
23
24
25
26